

Message Text

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PAGE 01 IAEA V 01133 111807Z
ACTION IO-13

INFO OCT-01 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10 IOE-00
OIC-02 ACDA-07 CIAE-00 INR-07 L-03 NSAE-00 NSC-05
EB-08 NRC-05 OES-06 FEAE-00 DODE-00 OMB-01 TRSE-00
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TO SECSTATE WASHDC PRIORITY 8648
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USERDA HQ GERMANTOWN

C O N F I D E N T I A L IAEA VIENNA 1133

PASS IO/SCT

E.O. 11652: GDS
TAGS: AORG, OCON, IAEA, TECH, PARM
SUBJECT: FEBRUARY MEETING OF BOARD OF GOVERNORS: AGENDA ITEM
NO. 1 - REPORT OF TECHNICAL ASSISTANCE COMMITTEE

REF: A) IAEA VIENNA 0666, B) IAEA VIENNA 0862

SUMMARY: ON BASIS LOCAL CONSULTATIONS THUS FAR,
MISSION RECOMMENDS USDEL TO FEBRUARY MEETING
OF BOARD BE AUTHORIZED, AT ITS DISCRETION, TO
INTRODUCE AND SEEK SUPPORT FOR RESOLUTION ENDORSING
GOV/INF 316. END SUMMARY.

1. WHILE FIRST ITEM ON FEBRUARY BOARD AGENDA
(REPORT OF TECHNICAL ASSISTANCE COMMITTEE) DOES
NOT CALL FOR BOARD ACTION, REPS OF PAKISTAN, EGYPT
AND ARGENTINA HAVE MADE IT CLEAR TO SECRETARIAT AND OTHERS
THAT THEY WILL CALL FOR FULL BOARD DISCUSSION OF
GOV/INF 316 (REFTELS) WHICH SETS FORTH DG'S
TO TECHNICAL ASSISTANCE PROJECTS AS WELL AS
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PAGE 02 IAEA V 01133 111807Z

CATEGORIES OF TA WHICH DG DEEMS SUFFICIENTLY
SENSITIVE TO TRIGGER SAFEGUARDS.

2. THESE REPS HAVE REFUSED TO BEGIN
NEGOTIATIONS ON DRAFT SAFEGUARDS AGREEMENTS ON
TA PROJECTS SUBMITTED TO THEM BY SECRETARIAT ON
GROUNDS THAT PRINCIPLES EMBODIED IN THEM,

REFLECTED IN GOV/INF 316, CONSTITUTE POLICY MATTERS LYING BEYOND SECRETARIAT'S JURISDICTION AND REQUIRING PRIOR BOARD APPROVAL. BASED ON DISCUSSIONS WE HAVE HAD WITH THESE REPS AND WITH SECRETARIAT WE EXPECT THAT PAKISTAN, AT THE LEAST, WILL CHALLENGE ONE OR MORE AREAS OF TECHNOLOGY IDENTIFIED IN GOV/INF 316, AND WILL ADVANCE ARGUMENT THAT PROVISIONS OF BRAZIL/IAEA/FRG AND CANADA/IAEA/SPAIN SAFEGUARDS AGREEMENTS, FROM WHICH CRITERIA ARE DERIVED, ARE IN CONNECTION WITH "MASSIVE TRANSFERS" OF TECHNOLOGY RATHER THAN WITH RELATIVELY MODEST TRANSFERS INVOLVED IN TA PROJECTS. ARGENTINE MISOFF, ON OTHER HAND, REVEALED IN TALKS WITH US THAT HIS MAIN PROBLEM IS LEGAL; I.E., THAT AGENCY POLICY SHOULD BE EXPLICITLY APPROVED BY THE BOARD, RATHER THAN BE PERMITTED TO "ACCRUE" THROUGH THE DERIVATION PROCESS. IN OUR JUDGMENT, THERE IS MERIT IN THIS ARGUMENT. MOREOVER, IF BOARD DISCUSSION WERE TO RESULT IN POSITIVE BOARD ACTION ON GOV/INF 316, IT WOULD CONSTITUTE A SIGNIFICANT ADVANCE IN THE NON-PROLIFERATION EFFORT BY CLOSING TO STATES NOT PARTY TO NPT THIS AVENUE OF ACCESS TO SENSITIVE TECHNOLOGY.

3. TO ACCOMPLISH THIS PURPOSE, MISSION RECOMMENDS THAT IN ADDITION TO EXPRESSING STRONG SUPPORT OF GOV/INF 316, USDEL BE AUTHORIZED, AT ITS DISCRETION, TO INTORDUCE RESOLUTION IN BOARD, HOPEFULLY CO-SPONSORED
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PAGE 03 IAEA V 01133 111807Z

BY OTHER BOARD MEMBERS, TEXT OF WHICH WOULD EXPRESS BOARD'S AGREEMENT WITH VIEWS SET FORTH IN THAT DOCUMENT, REQUESTING DG TO KEEP CRITERIA UNDER REVIEW AND TO INFORM BOARD OF ANY ADDITIONS TO CRITERIA THAT HE MAY FROM TIME TO TIME DEEM APPROPRIATE.

4. BEFORE INTORDUCING SUCH A RESOLUTION, WE WOULD HAVE TO ASSURE OURSELVES THAT IT WOULD BE APPROVED BY BOARD CONSENSUS (WHICH PERMITS CHAIRMAN TO NOTE NUMBER OF OBJECTIONS OR "RESERVATIONS") IF NOT BY VOTE. WE HAVE NOT YET COMPLETED ALL OUR PRE-BOARD CONSULTATION, BUT DISCUSSIONS WE HAVE HAD WITH REPS OF UK, USSR, FRG, CANADA, AUSTRALIA, JAPAN, NETHERLANDS AND SOUTH AFRICA GIVE US REASON TO BELIEVE THAT THIS PROPOSAL WOULD HAVE CONSIDERABLE SUPPORT. WE UNDERSTAND THAT PAKISTANI GOVERNOR INTENDS TO ALLUDE TO STATEMENT BY PAK MIN. OF DEFENSE AND FOREIGN AFFAIRS JANUARY 4 DENOUNCING

CANADIAN NUCLEAR POLICY, AND THAT LOCAL CANADIAN RESREP (HAFHEY) IS RECOMMENDING CANADIAN RESPONSE IN BOARD REFERRING TO STATEMENT OF CANADIAN EXPORT POLICY (PUBLISHED IN AGENCY DOCUMENT INFCIR 243) REQUIRING AS CONDITION OF SUPPLY SAFEGUARDS ON RECIPIENT'S ENTIRE NUCLEAR ACTIVITY. SUCH STATEMENT, WOULD DOUBTLESS EVOKE FROM SOVIETS A REMINDER THAT USSR HAS LONG INSISTED THAT TA BE PROVIDED ONLY TO NPT PARTIES. OTHER GOVERNORS, INCLUDING U.S. GOVERNOR, COULD BE EXPECTED TO WEIGH IN WITH ENDORSEMENTS OF GOV/INF 316 AND OF CRITERIA THERIN (WE WOULD RECOMMEND U.S. GOVERNOR, IN APPROVING CRITERIA, OBSERVE THAT U.S. WOULD EXPECT TO SEE OTHER TYPES OF TECHNOLOGY ADDED IN FUTURE). CUMULATIVE EFFECT OF FOREGOING WOULD TEND TO ISOLATE HANDFUL OF NON-NPT PARTIES ON
CONFIDENTIAL

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PAGE 04 IAEA V 01133 111807Z

BOARD WHICH ARE TA RECEIPIENTS AND TO SET GOV/INF 316 IN PROPER PERSPECTIVE AS EMBODYING MINIMAL CONDITIONS FOR PROVISION OF TA.

5. KEY TO SUCCESS OF THIS STRATEGY IS ATTITUDE OF OTHER NPT PARTIES WHICH COMPRISE MAJORITY OF BOARD MEMBERS, NOTABLY THOSE EIGHT MEMBERS WHICH ARE TA RECIPIENTS AS WELL AS PARTIES TO NPT. (MALAYSIA, MEXICO, SENEGAL, NIGERIA, LIBYA, PANAMA, YUGOSLAVIA, PHILIPPINES) WE INTEND TO MAKE THE ARGUMENT WITH A NUMBER OF THESE THAT APPROVAL OF GOV/INF 316 IS IN THEIR INTERESTS SINCE ITS REJECTION OR DILUTION WOULD RESULT IN NON-PARTIES RECEIVING TA UNDER CONDITIONS MORE LENIENT THAN THOSE COUNTRIES WHOSE ENTIRE NUCLEAR PROGRAM IS ALREADY UNDER SAFEGUARDS. OBVIOUSLY, MISSION WILL HAVE TO MAKE CAREFUL ASSESSMENT OF WHETHER AND TO WHAT EXTENT THIS APPROACH WOULD PREVAIL OVER GROUP OF 77 LOYALTIES BEFORE PROCEEDING WITH INTRODUCTION OF RESOLUTION.

6. ACTION REQUESTED: INSTRUCTIONS TO USDEL AUTHORIZING IT, AT ITS DISCRETION, TO INTRODUCE RESOLUTION ALONG LINES SUGGESTED PARA 3 ABOVE (MISSION WILL TRANSMIT SOONEST TEXT OF DRAFT RESOLUTION FOR DEPARTMENT COMMENTS). STONE

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Message Attributes

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